



April 30, 2014

Via ECF

Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2260
New York, New York 10007

Re: *American Civil Liberties Union et al. v. DOJ*, No. 13-cv-07347-GHW

Dear Judge Woods:

As directed by the Court's April 4, 2014 Order (ECF No. 10), the parties provide this joint letter summarizing the current status of the case.

This case relates to a request under the Freedom of Information Act ("FOIA") that Plaintiffs submitted to the Department of Justice ("DOJ") on March 29, 2013 ("Request"). In their Request, Plaintiffs sought information about the government's provision of notice to criminal defendants and others in legal proceedings in which it intends to rely on the fruit of surveillance conducted under the FISA Amendments Act of 2008. On October 17, 2013, having received an incomplete response to their Request, Plaintiffs filed this lawsuit to compel various components within DOJ to process their Request and disclose responsive documents, as required by FOIA.

Since Plaintiffs filed suit in October, the parties have conferred on a number of occasions in order to facilitate DOJ's processing of the Request and in an effort to narrow any remaining disputes. In January, based on those discussions, the parties informed the Court that they anticipated filing a joint stipulation. January 14, 2014 Joint Letter to the Court (ECF No. 8). On January 15, Plaintiffs provided the government with a draft stipulation, primarily addressing a schedule for the processing of the Request. However, over the ensuing weeks, several DOJ components completed their processing of the Request and provided responses to Plaintiffs, partially obviating the need for such an agreed-upon schedule. At this point, one component—the Executive Office of U.S. Attorneys ("EOUSA")—has not yet completed its processing of the Request. For present purposes, the parties have agreed that EOUSA's search will be limited to records in the United States Attorney's Offices in the District of Colorado and the District of Oregon. The government has informed Plaintiffs that the search and processing in those

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districts is underway and should be completed in the near future, but the government still has not provided a date by which it will be completed.

Based on the discussions to date, the parties have succeeded in narrowing the issues for litigation considerably. Despite that fact, several disputes remain.

In particular, Plaintiffs intend to move the Court for an injunction requiring EOUSA to complete its processing of the Request. Plaintiffs request a status conference at the Court's earliest convenience to address this motion. Defendant has no objection to a status conference if that would assist the Court, but notes that the search and processing have been advancing and should be completed in the near future, and accordingly anticipates that injunctive relief will not be necessary.

Plaintiffs also intend to challenge the adequacy of the National Security Division's ("NSD") search and processing of the Request and its refusal to release five responsive documents that NSD has identified to date and withheld in full. The parties jointly request that the Court set the following briefing schedule to address these issues:

June 20, 2014: Defendant's motion for partial summary judgment due.

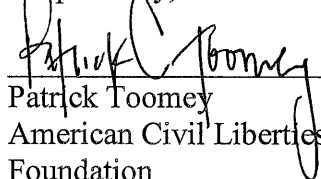
July 18, 2014: Plaintiffs' cross-motion for partial summary judgment and brief in opposition to Defendant's motion due.

August 15, 2014: Defendant's reply and brief in opposition to Plaintiffs' motion due.

August 29, 2014: Plaintiffs' reply due.

We thank the Court for its consideration of this request.

Respectfully,


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